IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO.22642 of 2004

Between:

N. Laxmi Kantham, S/o. N. Venkaiah,
R/o. H.No.12-2-398/28, Near Thallagadda, Karwan,
Hyderabad-500 067.

..... PETITIONER

AND

1. The Registrar of Co-Operative Societies, Gruhakalpa Building, Nampally, Hyderabad.

2. The District Co-Operative Marketing Society Ltd., Regd. No. TB-355, R.R.District rep. by its Business Manager, Office at 10-2-347/C, Asifnagar, Hyderabad-500 028.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to pass an order, direction or writ more particularly one in the nature of writ of mandamus declaring the action of the respondents in not paying VRS benefits to the petitioner as offered by them vide circular No. ESTB/VRS/2003, dt. 02.05.2003 as illegal, arbitrary, unjustified and in violation of Article 21 of Constitution of India and consequently direct the respondents to pay the VRS benefits as offered by them vide circular No. ESTB/VRS/2003, dt. 02.05.2003, forthwith.

Counsel for the Petitioner:MR.K.LAKSHMAN

Counsel for the Respondent No.1: GP FOR COOPERATION

Counsel for the Respondent No.2:MR.P.LINGESWARA RAO

The Court at the admission stage made the following Order:

This writ petition is filed to declare the action of the respondents in not paying VRS benefits to the petitioner as offered by them vide circular No.ESTB/VRS/2003, dated 02.05.2003 as illegal and arbitrary.

According to the petitioner, he joined in the second respondent Society as Sales Assistant. As per the circular dated 02.05.2003, the second respondent introduced VRS and sought for applications from the employees who are willing to go on Voluntary Retirement. The petitioner opted for Voluntary Retirement and was relieved from service with effect from 31.05.2003 and the respondents paid an amount of Rs.50,000/- towards part payment of gratuity. The grievance of the petitioner is that inspite of making several requests, the second respondent failed to pay the VRS benefits. Hence the writ petition.

The second respondent filed counter stating that the circular dated 02.05.2003 has been communicated to the petitioner with an intention to go on retirement on his own accord without insisting by the Society to pay any other benefits to the petitioner except gratuity PF., leave salary for which the Society has paid gratuity; leave salary and PF Amount. It is further stated that as per the service conditions of the Society, there is no provision of VRS and the Society has not allowed and implemented VRS to any other employees who retired under Voluntary Retirement and hence, prays to dismiss the writ petition.

As seen from the circular dated 02.05.2003, the Managing Committee decided to retrench or reduce the staff by giving the Voluntary Retirement and hence, the staff members of the District Cooperative Society Limited, who are willing to go on Voluntary Retirement may apply or give opinion on or before 25.05.2003. Learned counsel for the petitioner placed strong reliance on the circular dated 02.05.2003, but there is no mention in the circular that the second respondent formulated the scheme. The petitioner addressed a letter dated 23.05.2003 accepting Voluntary Retirement of Service and to release the entire service benefits as per by laws. In this letter, the petitioner did not indicate that he is entitled to the benefits of Voluntary Retirement. In the counter affidavit filed by the second respondent, since it is stated

that as per the service conditions of the Society, there is no provision of VRS and the Society has not allowed and implemented VRS to any other employees, question of paying VRS benefits does not arise.

The writ petition is devoid of merits and it is dismissed at the stage of admission. No costs.

20.01.2005

usd

To

1. The Registrar of Co-operative Societies, Gruhakalpa Building, Nampally, Hyderabad.
2. The Business Manager, District Co-operative Marketing Society Ltd., Regd. No. TB-355, R.R.District, Office at 10-2-347/C, Asifnagar, Hyderabad-500 028.
3. Two CCs to G.P. for Cooperation, A.P.High Court Buildings, Hyderabad (OUT).
4. Two CD copies.